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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
GARCIA, GABRIEL I	
ART UNIT	**PAPER NUMBER**
2624	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/787,330	EICHHORN ET AL.	
	Examiner	Art Unit	
	Gabriel I. Garcia	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 21-25* is/are pending in the application.

4a) Of the above claim(s) *23-25* is/are withdrawn from consideration.

5)☒ Claim(s) *21 and 22* is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *23-25* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Part III DETAILED ACTION

1. Newly submitted claims 23-25 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 23-25 are drawn to a method for processing a digital image by parsing the information, classified in class 358, subclass 1.13.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23-25 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Soenksen (6,711,283)

With regard to claim 1, Soenksen teaches a system for processing a digital image (e.g. fig. 1), comprising: a data storage area ((36 and/or 38) comprising a plurality of digital images (e.g. col. 6, lines 1-40); an image handler (18, or 22) configured to obtain at least a portion of a digital image from the data storage area (e.g. col. 20, lines 29-64); an image processing algorithm comprising instructions for analyzing a digital image (e.g. col. 4, lines 62-65, col. 20, lines 21-65, col. 24, lines 53-65), wherein such analysis does not modify the content of the digital image (e.g. col. 20, lines 57-67, and col. 21, lines 10-12); and an execution manager (20) configured to execute the image processing algorithm instructions to analyze the content of the digital image obtained by the image handler (e.g. col. 12, lines 26-58).

With regard to claim 2, Soenksen further teaches wherein the data storage area is accessed via a data communication network (inherently reads on fig. 2, col. 12, lines 26-58., and col. 13, lines 14-41, the data can be receive or send from the computers to the scanner through the network 42).

With regard to claim 3, Soenksen further teaches wherein a plurality of image processing algorithm are stored in the data storage area (reads on col. 12, lines 26-44, col. 22, lines 43-65, e.g. the different programs or processing functions can be stored in the memory).

With regard to claim 4, Soenksen further teaches wherein the image processing algorithm comprises a plurality of subroutines (e.g. col. 4, lines 62-65, col. 20, lines 21-

65, col. 24, lines 53-65, e.g. the different subroutines are represented by the functions or programs for processing the digital image(s).

With regard to claim 5, Soenksen further teaches wherein the execution manager receives a portion of the plurality of subroutines via a data communication network (e.g. col. 12, lines 26-44, col. 20, lines 29-65 and col. 13, lines 14-41, e.g. the manager can receive a portion of an algorithm to perform only image magnification as the only option).

With regard to claim 6, Soenksen further teaches wherein the execution manager retrieves a portion of the plurality of subroutines from the data storage area (e.g. col. 20, lines 29-65 and col. 13, lines 14-41, e.g. the manager can receive from memory a portion of an algorithm to perform only image magnification as the only option).

With regard to claim 7, Soenksen further teaches wherein the execution manager is further configured to receive a plurality of parameters, wherein the parameters define a sub-region of the digital image retrieved from the data storage area (e.g. col. 16, lines 41-63, see also claim 11).

With regard to claim 8, Soenksen further teaches wherein the execution manager is further configured to receive a plurality of parameters, wherein the parameters control the execution of the image processing algorithm instructions (e.g. col. 16, lines 41-63, see also claim 11, e.g. control the resolution).

With regard to claim 9, Soenksen teaches a method for processing a digital image, comprising: receiving an image selection that uniquely identifies a digital image stored in a data storage area (e.g. col. 21, lines 42-63) comprising a plurality of digital images

(e.g. col. 6, lines 1-40); receiving an algorithm selection that uniquely identifies a set of image processing instructions (e.g. col. 4, lines 62-65, col. 20, lines 21-65, col. 24, lines 53-65), wherein the image processing instructions carry out an analysis of the content of the digital image and do not modify the content of the digital image (e.g. col. 20, lines 57-67, and col. 21, lines 10-12); receiving a set of image processing parameters (e.g. col. 16, lines 41-63), and executing the set of image processing instructions according to the set of parameters (e.g. col. 16, lines 41-63, e.g. to control the resolution).

With regard to claim 10, Soenksen further teaches wherein the set of image processing parameters controls the execution of the image processing instructions (e.g. col. 16, lines 41-63, e.g. to control the resolution).

With regard to claim 11, Soenksen further teaches wherein the set of image processing parameters defines a sub-region of the selected digital image to be processed (e.g. col. 16, lines 41-63, see also claim 11).

Conclusion

3. Applicant's arguments filed on 8/22/05 have been found to be persuasive with respect to claims 21-22. Claims 21-22 are being allowed over prior art of record. The prior art of record does not teach or suggest (in combination with other features in the claims) a computer implemented method for analyzing the content of a digital image, wherein executing a set of image processing instructions on a second sub-region, storing the results of the image processing on the second sub-region; and combining

the stored results from a first sub-region with the stored results of the second sub-region into an analysis of the digital image, as recited in the independent claim.

4. Applicant's arguments filed on 8/22/05 have been fully considered but they are not persuasive with respect to claims 1-11. With regard to Applicant's argument that Soenksen does not teach or suggest wherein the analysis does not modify the content of the digital image. Examiner disagrees with Applicant's conclusion. Examiner asserts that Soenksen teaches wherein the analysis does not modify the content of the digital image (e.g. col. 20, lines 57-67, and col. 21, lines 10-12). Clearly, col. 20, lines 57-67, describe how the image processing or analysis implement algorithm that do not modify the image, only identifies defects. Examiner asserts that Soenksen teaches the image handler (20) which identifies portion of the digital image (see fig. 1), and the execution manager (20) which control the execution of the functions of the device (see fig. 1).

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Gabriel I. Garcia** whose telephone number is (571) 272-7434. The Examiner can be reached from Monday through Thursday, from 7:30 am to 6:00 pm. The fax phone number for this group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Gabriel I. Garcia
Primary Examiner
November 22, 2005

GABRIEL GARCIA
PRIMARY EXAMINER